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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re KYLE S., et al., Persons Coming Under the  
Juvenile Court Law.

TULARE COUNTY HEALTH AND HUMAN  
SERVICES AGENCY,

Plaintiff and Respondent,

v.

PATRICIA C.,

Defendant and Appellant.

F063982

(Super. Ct. No. JJV062354)

**OPINION**

**THE COURT\***

APPEAL from an order of the Superior Court of Tulare County. Charlotte Wittig,  
Commissioner.

Catherine C. Czar, under appointment by the Court of Appeal, for Defendant and  
Appellant.

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\* Before Cornell, Acting P.J., Gomes, J. and Franson, J.

Kathleen Bales-Lange, John A. Rozum and Amy-Marie Costa, Deputy County Counsel, for Plaintiff and Respondent.

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Patricia C. (mother) appeals from orders terminating parental rights to her two-year-old son Kyle, 22-month-old son Nicholas, and eight-month-old daughter Destiny (collectively the children). (Welf. & Inst. Code, § 366.26.)<sup>1</sup> Mother contends (1) there was insufficient evidence to support the juvenile court's finding that the children were likely to be adopted, and (2) she established termination would be detrimental to the children because of their parent-child relationship. We disagree and affirm.

### **FACTUAL AND PROCEDURAL HISTORIES**

Mother has a history of drug abuse and child neglect. In 2007, two boys, a toddler and a newborn, were removed from her custody because of her drug use. Mother's parental rights were terminated in December 2008 after she failed to comply with reunification services, and the two were adopted in 2009.

In June 2011,<sup>2</sup> the Tulare County Health and Human Services Agency (Agency) initiated these dependency proceedings over Kyle, Nicholas and Destiny after mother failed to comply with voluntary family maintenance services by continuing her drug use. At the outset of the case, the juvenile court ordered twice weekly one-hour supervised visits for mother with the children. After mother entered a residential treatment center on June 20, her visits were changed to one hour visits once per week due to the program's restrictions on visitation. The social worker, in the report prepared for the jurisdictional and dispositional hearings, noted that the children appeared attached to mother, who acted appropriately with them.

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<sup>1</sup> All undesignated statutory references are to the Welfare and Institutions Code.

<sup>2</sup> All further reference to dates are to the year 2011, unless otherwise stated.

In a June 30 assessment of the children for a permanent plan of adoption, the adoption social worker reported that the children had been in one foster care placement since June 9, and the current caregivers were unsure if they were able to adopt a sibling set of three children, as they originally wanted to adopt only one child, but they requested time to adjust to the children. A relative who was willing to take the children was pending assessment. The social worker noted that mother had been incarcerated for 15 months when Kyle was six months old, and the children had limited attachment to her. The social worker further noted there were some medical and developmental concerns about the children, but they did not rise to the level that would impede adoption planning.

The juvenile court subsequently found true the allegations of an amended petition that mother's drug use placed the children at substantial risk of suffering physical harm or illness, and there was a substantial risk the children would be neglected like their siblings. At the dispositional hearing, the juvenile court ordered the children's removal from the custody of mother and their father, and denied both parents reunification services. The court further ordered adoption as the permanent plan goal and set a section 366.26 hearing to select and implement a permanent plan for the children.

Thereafter, the foster parents decided they did not want to provide permanency for all three children, and the relatives being assessed, who had stated they were willing to adopt the children, withdrew their application to be certified. On October 17, the children were moved to the home of another foster family, who were prospective adoptive parents.

#### *Adoption Assessment*

The Agency prepared a "366.26 WIC Report" in advance of the section 366.26 hearing, in which an adoption social worker recommended termination of parental rights and adoption of the children by their current care providers. The report included an adoption assessment of each child. Kyle had a physical exam in July, had been referred to the Central Valley Regional Center (CVRC), and was receiving "Bright Start"

educational services once per week. An Individualized Family Service Plan (IFSP) had been completed on October 12; he was found eligible for services based on delays in cognitive expressive language, receptive language, fine motor skills and social/emotional and adaptive domains.

Nicholas also had a physical exam in July. He was being treated for constipation, and the doctor wanted to continue to evaluate him to determine whether he had an intestinal problem. He was also receiving medication for occasional asthmatic problems. Nicholas was referred to CVRC and was receiving “Bright Start” services once per week. He was found eligible for special education services based on delays in expressive and receptive language, and social/emotional and adaptive domains, and an IFSP was completed on October 12.

Destiny had drug withdrawal symptoms as a newborn. She had a physical exam on June 20. She was not on medication, but took formula for a sensitive stomach and had occasional constipation. An eye specialist examined Destiny, as there was a concern about her right eye having a possible retinal detachment, and she appeared to be improving, but she might need follow-up to rule out further problems with that eye. Both the prior and current foster parents reported that her overall health appeared to be improving. She was evaluated at CVRC, but found ineligible for services.

The Agency identified adoption as being in the children’s best interests and the current foster parents as the children’s prospective adoptive parents. The prospective adoptive parents wanted to adopt the children and raise them as their own. The social worker opined that given the children’s characteristics, including their age, mental health status, and general good health, there were many foster-adopt families who would be willing to adopt the children aside from the prospective adoptive parents.

The social worker discussed in the report mother’s visits with the children. Mother continued to have once weekly visits, which were increased to two hours per week after the case was transferred to the adoption unit on August 9. During visits,

mother interacted appropriately with the children and was very attentive to them. She often brought toys, snacks and drinks. The boys appeared excited to see her and would run to her with excitement. By the end of the visits, however, the boys were always willing to return to the prospective adoptive parents and never appeared tearful or displayed separation anxiety. The adoption social worker, who had been on the case since August 9, opined that while the children had a relationship with mother, their “significant relationship” was with their prospective adoptive parents. The social worker noted the children appeared to have a stronger bond or attachment with the prospective adoptive parents than mother.

The Agency’s report also discussed the prospective adoptive parents. The foster mother had worked as a coordinator for Head Start programs until she quit her position to stay home and care for the children full time. The foster father and mother, who were both in good health and recommended for adoption from a medical point of view, were certified as a foster home through their foster family agency and had completed an adoption home study. They had no criminal or child welfare history. The couple wanted to adopt because they were not able to have children of their own and they wanted to provide a loving home for these children; they were extremely motivated and committed to adopting the children. The prospective adoptive parents had visited the children for about two to three weeks before the children were placed with them on October 17. The social worker reported the foster mother had “a lot of experience” working with young children, and she and the foster father both had “first hand” experience working with children in the Sunday school program at their church.

In an addendum report, the adoption social worker further explained that he had been present at weekly visits since August 9. While mother had consistently visited the children and attended their medical and CVRC appointments, the children were always ready to return to the care of the prospective adoptive parents, they did not display separation anxiety at the end of visits, and at some visits, the children tried to leave the

room and find the prospective adoptive parents before the visits ended. The social worker noted that Kyle calls mother and most adult females “mama,” but when he talked with the foster mother he referred to her as “mom,” and called the foster father “dad.” Kyle would wait for his foster father to arrive home from work and tell his foster mother during the day “Dad is at work.”

The social worker reported that, according to the CVRC intake counselor, Kyle presented with a variety of developmental delays, including cognitive and communication delays greater than 50 percent, and delays in fine motor, social/emotional and adaptive skills greater than 30 percent. Kyle was being referred to a developmental pediatrician for a behavioral assessment based on reports during the assessment that Kyle can be aggressive. Kyle was described as a “very handsome 29.5 month old male toddler.” The intake counselor also noted concerns about Nicholas, who was described as a “very cute 18 month old male toddler,” and his delayed language. It was reported during Nicholas’s assessment that he mimicked Kyle’s behavior and, according to the foster father, he had recently begun to imitate speech more and his comprehension appeared better when Kyle was not around. Destiny, who was described as a “beautiful 4.5 month old female infant,” did not qualify for services, as she did not meet the eligibility criteria of at least one 33 percent delay. According to the intake counselor, her developmental skills were near or at age-appropriate levels.

#### *The CASA Report*

The Court Appointed Special Advocate (CASA) conveyed additional information about the children in a written memorandum to the court. The CASA reported that the prospective adoptive parents brought the children once a week for supervised visits with the parents, and the prospective adoptive mother stated the children became “more clingy, needy, and experience tantrums” after visits. CASA workers observed the children during their Bright Start session. The boys played with age appropriate toys and books, and were able to verbally and nonverbally identify objects in books and during

play. The children had health examinations on November 15. The prospective adoptive mother reported there were no current health concerns about the boys and she took Destiny to have her eyes checked on November 21. The eye doctor was not concerned about Destiny's right eye and her vision in both eyes was fine. Destiny was eating more solid food and was generally a happy baby.

The CASA reported that the results from Kyle's developmental "ASQ" indicated he was on schedule with most milestones except the fine motor portion, in which he scored far below the cutoff point, and he scored well in the social-emotional "ASQ". Nicholas's "ASQ" results showed he was meeting most of his developmental milestones, but he scored just below the cutoff point on the communication and fine motor portions, and he scored well in the social-emotional "ASQ". Destiny's "ASQ" results showed she was developmentally on schedule with the exception of the fine motor portion, in which she scored just below the cutoff point. The CASA agreed with the Agency's recommendation of termination of parental rights.

#### *The Permanency Planning Hearing*

At the December 9 section 366.26 hearing, the juvenile court received the Agency's reports and the CASA memorandum into evidence, and took judicial notice of its file. Mother's cousin, Beverly Hernandez, testified that she was present at mother's visits with the children after they were removed from mother's custody. She testified about a visit that took place two weeks before the hearing. At that visit, mother interacted with all of the children. When the children were leaving the visit, they went to the door, said good-bye to mother and went to the adoptive parents. The children did not indicate they were anxious to leave. When Nicholas approached the door, he turned back and smiled at everyone. Hernandez had seen Nicholas engage in the same behavior, i.e. turning and smiling and playing with the door, in other settings, such as at mother's home, his grandmother's home and when he was with Hernandez.

After that visit, Hernandez went with mother to an eye appointment for Destiny. The foster parents took the children to the appointment. At the end of the appointment, Hernandez saw Kyle run to mother, hold onto her leg and say “No, my mama.” It did not appear to Hernandez that he wanted to leave. Kyle eventually went to the foster mother to leave. Hernandez had seen mother with the children before their removal, as she was staying with mother and helping her with the children, and she thought mother and the children had a close “mother-and-kid” bond. The children came to mother and obeyed her.

Mother’s great-grandfather by marriage testified that he had spent time in the presence of the children and mother. He had attended all but one of mother’s visits, as he provided mother’s transportation. When the children arrived at visits at the park, they were happy to see mother and the boys ran to her with their hands extended. At the end of visits, mother carried Destiny and was loving and affectionate with her, and the boys took turns hugging mother. Before the children were removed from mother, they visited him a couple times at his house. The children knew who mother was and showed affection toward her by coming to her and playing together. He never saw mother inappropriately discipline the children.

Mother testified that since the children’s removal, she attended all of the visits with the children, which were once a week for two hours. The adoption social worker was present at most of the visits, although he sometimes left to do other things and someone else would supervise. The adoption social worker observed the children pretty much every time they left the visits. Mother was not sure the children intended to leave visits early. They wanted to go back home with the foster parents, but Nicholas had a tendency to go and grab the door and try to run out. Nicholas engaged in that behavior both at visits and at mother’s home before he was detained.

Mother described her bonds with the children. Kyle and she were really close and he displayed affection towards her before he was detained. Both Kyle and Nicholas call



her “mama.” She described Nicholas as a “mama’s boy,” and said she was really close with him. He always sat on her lap during visits and would come up and hug her. When she tried to play with Destiny, he would get jealous and want her attention. Destiny was happy during her last visit with mother and never appeared upset when she was with her. Before their detention, mother took care of the children and never went anywhere without them.

Mother attended the children’s medical appointments after their detention. Mother was present at the appointment Hernandez testified about. She said that when Kyle came out from seeing the doctor, she went to hug the children. As she picked up Kyle to put him in the stroller, Kyle wrapped his arms around her and said “No, mama. No, mama.” She had to pull him away from her and a lady who was there with the foster mother took him. After they walked outside, Kyle turned around, ran towards her, and grabbed her legs, again saying “No, mama. No, mama.” When the foster mother came and took him over to the car, he took off running and the foster mother had to chase him.

The adoption social worker testified that he had observed quite a few visits between mother and the children. The social worker confirmed that he had observed the children wanting to leave visits to go back to the foster parents. Since the children were not very verbal, his observation was based on their body language. By the second hour of visits, Nicholas usually would try to open the door and walk through it, but either mother or the social worker would redirect him. The social worker believed Nicholas’s facial expressions exhibited a little anxiousness that indicated he might want to walk out of the room. The social worker did not remember seeing Nicholas turn around and smile when he reached for the door, tried to pull the handle and leave the room. The social worker had heard Nicholas use the word “mama” during some visits with her. He had not heard the children call the foster mother any name, but the children were not usually verbal.

The social worker explained that mother had two hour visits with the children, who then attended Bright Start for 30 to 45 minutes, after which they had a separate visit

with their father. In between the visits, he had seen Nicholas run to the foster mother, put his hands up like he wanted to be picked up, and once she picked him up, he would hold her tightly and not want to let go. The children also would run up to the prior foster parents and look to them for eye contact to see if they would be walking away from them. The children were affectionate with mother and smiled during visits, and would run to mother when they arrived for visits. In the social worker's opinion, however, while the children enjoyed seeing mother, when the visits were over they were ready and willing to return to the foster parents, with whom they had been for eight weeks.

The social worker based his opinion that the children had a stronger bond or attachment with the foster parents than mother in part on the children's body language. He quantified mother's bond with the children as minimum to moderate based on the children's facial expressions and body communication. He had seen the children express happiness toward numerous adults, including himself, their great-grandfather, as well as the prior and current foster parents. He did not see that the children's bond with mother was so strong that it would be detrimental to not have a relationship with mother.

The social worker had spent less time observing the children's interaction with the prospective adoptive parents than their interaction with mother. He believed the bond with the prospective adoptive parents was stronger because the children seemed relaxed, happy, content and willing to grab their hands. Nicholas seemed especially affectionate with the foster mother, holding her tight and looking very attached to her, even though it had only been two months. The social worker admitted, however, that the children also were relaxed and happy with mother, and that he had not observed the children with the prospective adoptive parents for two hours, as he had with mother. He did not believe the children's interaction with mother, however, was similar to their interaction with the prospective adoptive parents.

When the social worker observed visits between the children and mother while they were with the prior foster parents, he saw the children run to the prior foster parents

at the beginning and end of visits, though mostly at the end. He had observed seven or eight visits since the children were placed with the current foster parents, and had been present either part of the time or the whole time for at least six of those. After visits, the boys run to the current foster parents, although there were times they would run back to mother, because they are affectionate kids, and give mother a hug and then go back to the foster parents. The social worker had not seen the children exhibit any separation anxiety after visits with mother while they were with the current foster parents, although he had seen some tantrums, screaming and running back to the parent at least a few times in the past.

Following closing arguments, the juvenile court found that mother had not met her burden of establishing her relationship with the children was sufficiently beneficial to outweigh the benefits of adoption. The juvenile court followed the Agency's recommendations and adopted the findings and orders it submitted, which included finding by clear and convincing evidence the children were likely to be adopted and an order terminating parental rights.

## **DISCUSSION**

### *Likelihood of Adoption*

Mother contends there is insufficient evidence to support the juvenile court's adoptability finding. She asserts that the children were neither generally nor specifically adoptable. She cites the boys' developmental delays and status as CVRC clients as evidence of their being not generally adoptable and reasons that because the children are a sibling set, Destiny also is not generally adoptable. Mother argues the children are not specifically adoptable because there is insufficient evidence of the prospective adoptive parents' suitability, as their current placement may not be permanent and there were no other prospective adoptive families identified.

Before a court may terminate parental rights, it must find by clear and convincing evidence that it is likely the dependent child will be adopted. (§ 366.26, subd. (c)(1).)

The adoptability question focuses on the dependent child, e.g., whether his or her age, physical condition, and emotional state make it difficult to find a person willing to adopt. (*In re Sarah M.* (1994) 22 Cal.App.4th 1642, 1649 (*Sarah M.*)). It is not necessary that the child already be in a potential adoptive home or that there be a proposed adoptive parent “waiting in the wings.” (*In re Jennilee T.* (1992) 3 Cal.App.4th 212, 223, fn. 11.)

Conversely, the existence of a prospective adoptive parent, who has expressed interest in adopting a dependent child, constitutes evidence that the child’s age, physical condition, mental state, and other relevant factors are not likely to dissuade individuals from adopting the child. In other words, a prospective adoptive parent’s willingness to adopt generally indicates the child is likely to be adopted within a reasonable time either by the prospective adoptive parent or by some other family. (*Sarah M.*, *supra*, 22 Cal.App.4th at pp. 1649–1650.) Having reviewed the record as summarized above, we conclude there was substantial evidence to support the court’s adoptability finding. (*In re Brison C.* (2000) 81 Cal.App.4th 1373, 1378–1379 (*Brison C.*)).

Mother’s argument that the children are neither generally nor specifically adoptable obfuscates the adoptability issue before the juvenile court. As this court explained in *In re G.M.* (2010) 181 Cal.App.4th 552, 562, not all dependency cases fall neatly into one of two scenarios: one, where the availability of a prospective adoptive parent is *not a factor whatsoever* in a social worker’s adoptability assessment, or two, where a child is likely to be adopted *based solely* on the existence of a prospective adoptive parent. As we explained: “These scenarios represent opposite ends on the continuum of when a child is likely to be adopted. However, many adoption assessments that recommend an adoptability finding fall somewhere in the middle. They consist of a combination of factors warranting an adoptability finding, including, as in this case, the availability of a prospective adoptive parent. This is the reality we confront, notwithstanding appellate arguments that assume a child is either generally adoptable

without regard to a prospective adoptive parent or specifically adoptable based solely on the availability of a prospective adoptive parent.” (*Ibid.*)

Here, the children had several attributes that made them appropriate candidates for adoption, as well as care providers who were committed to adopting them.

Mother contends the juvenile court’s adoptability finding was premature due to the children’s placement history. Her argument, however, is based on little more than conjecture. Pointing to the first foster family’s decision to not provide permanency for the children and the relative’s decision to withdraw the application for placement, she asserts the children are difficult to place. Her argument, however, is based on the assumption that these decisions were based on the children’s attributes. Mother overlooks the evidence that the first foster family was unsure from the outset whether they were able to adopt all three children, as they originally only wanted to adopt one child. Moreover, nothing in the record shows why the relatives withdrew their application. The evidence hardly supports the conclusion that the lack of desire to adopt was due to any of the children’s attributes. Furthermore, while mother stresses the brevity of the children’s stay with their current care providers, she ignores the evidence of the children’s positive adjustment to their new environment, the bond the children had already developed with their care providers, and that their care providers had expressed a firm commitment to adopting the children.

As for the boys’ developmental delays, mother assumes, but fails to explain how, those delays disqualified the juvenile court from finding the boys adoptable. Although the boys were delayed in areas of receptive and expressive language, and social/emotional and adaptive domains, and Kyle had delays with fine motor skills, they were receiving both CVRC and educational services. There was no evidence to suggest that these delays were so severe that they could not improve with such services. Mother further ignores the boys’ other attributes that made them good candidates for adoption.

Moreover, the boys' developmental delays did not dissuade the current care providers from their commitment to adopting all three children.

Lastly, mother insinuates the juvenile court should have been concerned about the current care providers' ability to care for the children, based on the assumption that it would be difficult to find an alternative adoptive placement if adoption with the care providers did not occur, citing *In re Carl R.* (2005) 128 Cal.App.4th 1051, 1062 (*Carl R.*). The adoption assessment, however, addressed the current care providers' ability to meet the children's needs. Moreover, as we explained in *In re A.A.* (2008) 167 Cal.App.4th 1292, 1315, the decision in *Carl R.* does not necessitate a greater showing except under the very unique facts present in *Carl R.* The appellate issue in *Carl R.* was "very narrow – what is the proper scope of the inquiry by the juvenile court in determining the adoptability of a child who will require intensive care for life?" (*Carl R.*, *supra*, 128 Cal.App.4th at p. 1062.) Because there was no evidence that any of the children in this case would require intensive care for life, mother's reliance on *Carl R.* is misplaced. (*A.A.*, *supra*, 167 Cal.App.4th at pp. 1315-1316.)

#### *Beneficial Relationship Exception*

Mother contends there was insufficient evidence to support the juvenile court's failure to find that the children shared a beneficial relationship with her so that termination of parental rights would be detrimental to them. (§ 366.26, subd. (c)(1)(B)(i).) According to mother, the court should not have terminated her parental rights because she maintained regular visitation with the children and they were significantly bonded to her. Mother's argument is meritless, as it ignores the law regarding termination and the conflicting evidence before the juvenile court.

Once a dependency case reaches the permanency planning stage, the statutory presumption is that termination is in an adoptable child's best interests and, therefore, not detrimental. (§ 366.26, subd. (b); *In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1343-1344 (*Lorenzo C.*).) Indeed, the court must order adoption and its necessary

consequence, termination of parental rights, unless one of the specifically designated circumstances of section 366.26, subdivision (c)(1), provides a compelling reason for finding that termination of parental rights would be detrimental to the child. (*In re Celine R.* (2003) 31 Cal.4th 45, 53.)

It is the parent's burden to show that termination would be detrimental under one of the statutory exceptions. (*In re Zachary G.* (1999) 77 Cal.App.4th 799, 809.) The beneficial relationship exception in section 366.26, subdivision (c)(1)(B)(i) involves a two-part test: (1) did the parent maintain regular visitation and contact with the child; and (2) would the child benefit from continuing the relationship. For the exception to apply, "the parent-child relationship [must] promote the well-being of the child to such a degree that it outweighs the well-being the child would gain in a permanent home with new, adoptive parents. [Citation.] A juvenile court must therefore: 'balance . . . the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer. If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent's rights are not terminated.'" (*Lorenzo C., supra*, 54 Cal.App.4th at p. 1342.)

When a court rejects a detriment claim and terminates parental rights, the appellate issue is whether the juvenile court abused its discretion in so doing. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1351 (*Jasmine D.*) The decision is not reviewed for substantial evidence to prove a negative, i.e. that termination would not be detrimental. To conclude there was an abuse of discretion, the proof offered must be uncontradicted and unimpeached so that discretion could be exercised in only one way, compelling a finding in the appellant's favor as a matter of law. (*Roesch v. De Mota* (1944) 24 Cal.2d 563, 570-571; *In re I.W.* (2009) 180 Cal.App.4th 1517, 1528.) Based on our review of

the record, we conclude the juvenile court properly exercised its discretion in rejecting mother's argument.

There is no dispute that mother satisfied the first part of the exception, i.e. that she maintained regular contact with the children. Mother failed to establish, however, the second part, namely that the children would benefit from continuing their relationship with her. While mother presented evidence that she had pleasant visits with the children, during which they enjoyed loving contact, and they recognized her as their mother and enjoyed the visits, this was not enough. Since contact between a parent and child generally confers some benefit on a child, mother had to demonstrate more than pleasant visits or loving contact to compel a finding that termination would be detrimental to the children. (*In re L.Y.L.* (2002) 101 Cal.App.4th 942, 953-954.)

There was simply no evidence, let alone uncontradicted and unimpeached proof, that the children would be greatly harmed if they could no longer see mother. (*Lorenzo C.*, *supra*, 54 Cal.App.4th at p. 1342.) As proof of great harm, mother points to Kyle's behavior at the doctor's office, where he did not want to leave mother. Other evidence showed, however, that at the majority of visits, Kyle did not engage in such behavior and he, along with Nicholas and Destiny, had no problem separating from mother and were willing to return to their foster parents.

Mother challenges the social worker's opinions about her role in the children's lives and that the children's significant relationship and bond was with their prospective adoptive parents. She asserts that his opinions lacked foundation and did not constitute substantial evidence sufficient to support the order terminating parental rights. To the extent mother is contending that the social worker's opinion was inadmissible because it lacked foundation, she failed to object below on that basis. (*In re R.C.* (2008) 169 Cal.App.4th 486, 492 [failure to object to social worker's testimony on grounds it was unreliable or inadmissible hearsay precluded parent from raising the issue on appeal]; *Lorenzo C.*, *supra*, 54 Cal.App.4th at p. 1338 ["[A] parent's failure to object or raise



certain issues in the juvenile court prevents the parent from presenting the issue to the appellate court.”].) In claiming that the social worker’s opinions lacked a sound factual basis and were not credible, mother asks this court to reweigh the evidence and draw different inferences than the juvenile court in support of reversal. As a reviewing court, however, we have no such authority. We must indulge all legitimate inferences to uphold the juvenile court’s decision, if possible, and not reweigh or express an independent judgment on the evidence. (*In re Laura F.* (1983) 33 Cal.3d 826, 833.)

Citing the social worker’s opinion that the children were more attached to the prospective adoptive parents than mother, mother contends she was required to prove, not that the children had a primary attachment to her, but that they had a substantial, positive emotional attachment to her. In support of this contention, she relies on *In re S.B.* (2008) 164 Cal.App.4th 289, and *In re C.B.* (2010) 190 Cal.App.4th 102. Mother’s reliance on these cases is misplaced, however, as the children in those cases had significant relationships with their parents. In contrast here, there was simply no evidence that mother had a significant parent-child relationship with the children that compelled the juvenile court to find the children would be greatly harmed if that relationship were ended.

As we have rejected mother’s specific arguments and found no evidence to compel a detriment finding in her favor, we conclude the juvenile court did not abuse its discretion when it rejected mother’s claim and terminated parental rights. (*Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351.)

### **DISPOSITION**

The order terminating parental rights is affirmed.